

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 111th Congress ¹**

[Date approved: April 8, 2010]²

Bill No. and sponsor: S. 1921 (Mr. Pat Roberts of Kansas).

Proponent name,³ location: Philips Electronics Corporation, New York, NY.

Other bills on product (111th Congress only): S. 1910, S. 1912, and S. 2652.

Nature of bill: Extension of temporary duty suspension through December 31, 2011.⁴

Retroactive effect: None.

Suggested article description(s) for enactment (including appropriate HTS subheading(s)):

Calcium chloride phosphate phosphor used as a luminophore (CAS No. 75535-31-8) (provided for in subheading 3206.50.00).

Check one: ☐ Same as that in bill as introduced.
☒ Different from that in bill as introduced (see Technical comments section).

Product information, including uses/applications and source(s) of imports:

The subject product is an inorganic compound that is activated for use as a luminophore in the manufacture of fluorescent lighting, TV and computer monitors, light emitting diodes (LEDs), and other electronic products. The subject product is imported from Japan.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 3206.50.00:

| | 2010 | 2011 | 2012 | 2013 | 2014 |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|
| Col. 1-General rate of duty | 6.5% | 6.5% | 6.5% | 6.5% | 6.5% |
| Estimated value <i>dutiable</i> imports ^a | \$2,300,000 | \$3,400,000 | \$4,500,000 | \$5,600,000 | \$6,700,000 |
| Customs revenue loss ^b | \$149,500 | \$221,000 | \$292,500 | \$364,000 | \$435,500 |

^{a/} Dutiable import estimates were based on official U.S. Government statistics and industry information.

^{b/} At the request of Congress, estimated customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ.

¹ Industry analyst preparing report: Larry Johnson (202-205-3351); Tariff Affairs contact: Dave Michels (202-205- 3440).

² Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tariff_affairs/congress_reports/.

³ The sponsor/proponent did not identify any additional beneficiaries of this bill.

⁴ Heading 9902.22.74 expired on December 31, 2009.

Contacts with domestic firms/organizations (including the proponent):

| Name of firm/organization | Date contacted | Claim US makes same or competing product(s)? | Submission attached? | Opposition noted? |
|--|----------------|--|----------------------|-------------------|
| | | (Yes/No) | | |
| Philips Electronics Corporation (Proponent) Randy Moorehead, 202-962-8550 | 12/01/2009 | No | No | No |
| Agilent Technologies Robbins Pancake, 202-416-6211 | 12/01/2009 | No | No | No |
| Apollo Color, Inc. Tom Rogers, 815-722-3965 | 12/01/2009 | No | No | No |
| ASML US, Inc. Craig DeYoung, 480-383-4005 | 12/01/2009 | No | No | No |
| Barium and Chemicals, Inc. Albert Pavlik, Jr., 740-282-9779 | 12/01/2009 | No | No | No |
| BASF Corp. Phil Webb, 704-398-2588 | 12/01/2009 | No | No | No |
| CDR Pigments & Dispersions Rucker Wickline, 270-737-1700 | 12/01/2009 | No | No | No |
| Chemical Products Corporation Gary D. Graves, 770-382-2144 | 12/01/2009 | No | No | No |
| Ciba Specialty Chemical Corp. John Deming, 302-479-5499 | 12/01/2009 | No | No | No |
| Clariant Corp. Andy Zamoyski, 401-823-2230 | 12/01/2009 | No | No | No |
| ColorChem International Corp. Steven Printz, 770-993-5500 | 12/01/2009 | No | No | No |
| Cooper Industries, Ltd. Terry Helz, 713-209-8408 | 12/01/2009 | No | No | No |
| Cree Inc. Leigh Mitchell, 919-313-5300 | 12/01/2009 | No | No | No |
| Cymer, Inc. Albert Cefalo, 858-385-6222 Edward Juliano, 978-264-0621 | 12/01/2009 | No | No | No |
| Diacolor-Pope Bob Turkos, 973-279-2702 | 12/01/2009 | No | No | No |
| Eaton Corp. Barry Doggett, 216-423-4664 | 12/01/2009 | No | No | No |
| Emerson Electric Co. Robert McDonald, 202-508-6303 | 12/01/2009 | No | No | No |
| Ericson Manufacturing Co. Richard Fox, 440-951-8000 | 12/01/2009 | No | No | No |
| Fanwood Chemical Co. Jim DeLisi, 908-322-8440 | 12/01/2009 | No | No | No |

| Name of firm/organization | Date contacted | Claim US makes same or competing product(s)? | Submission attached? | Opposition noted? |
|--|----------------|--|----------------------|-------------------|
| | | (Yes/No) | | |
| Galaxie Chemical Corp. Richard Caldwell, 973-279-0558 | 12/01/2009 | No | No | No |
| General Electric Co. Sandy Merber, 202-637-4000 | 12/01/2009 | No | No | No |
| Global Tungsten and Powders Corp. Wende McLinko, 570-268-5119 | 12/01/2009 | Yes | Yes | Yes |
| Hitachi America, Ltd. Carl Green, 202-828-9272 | 12/01/2009 | No | No | No |
| Hubbell Inc. Thomas Conlin, 203-799-4293 | 12/01/2009 | No | No | No |
| Intel Corporation David Rose, 202-626-4390 | 12/01/2009 | No | No | No |
| Leviton Manufacturing Co., Inc. Stephen Hofmann, 202-216-9703 | 12/01/2009 | No | No | No |
| Light Sources, Inc. John Masuchi, 203-799-7877 | 12/01/2009 | No | No | No |
| Magruder Color Co., Inc. Joel Weissglass, 973-241-1300 | 12/01/2009 | No | No | No |
| Mason Color Works, Inc. Carol Mason Cronin, 330-385-4400 | 12/01/2009 | No | No | No |
| Max Marx Color Corp. Walter Sichel, 973-373-7801 | 12/01/2009 | No | No | No |
| National Electrical Manufacturers Association John Meakem, 703-841-3243 | 12/01/2009 | No | No | No |
| Osram Sylvania Pamela Horner, 978-777-1900 | 12/01/2009 | No | No | No |
| Pass & Seymour/Lagrand John Clarke, 315-468-8223 | 12/01/2009 | No | No | No |
| PMC Inc. Gordon McCullough, 847-615-3400 | 12/01/2009 | No | No | No |
| Siemens Energy and Automation, Inc. Tom Varney, 770-751-2000 | 12/01/2009 | No | No | No |
| SEMI Victoria Hadfield, 202-289-0440 | 12/01/2009 | No | No | No |
| Sun Chemical Corp. Ed Faulkner, 513-681-5950 | 12/01/2009 | No | No | No |
| Technology Research Corp. Robert Wiggins, 727-535-0572 | 12/01/2009 | No | No | No |

Technical comments:⁵

The Commission staff notes that, based on the CAS number in the article description (i.e., CAS No. 75535-31-8), the product is covered by three different headings in HTS Chapter 99:

- 9902.22.70 Calcium chloride phosphate phosphor activated by manganese and antimony used as a luminophore (CAS No. 75535-31-8) (provided for in subheading 3206.50.00)
- 9902.22.72 Calcium chloride phosphate phosphor used as a luminophore (CAS No. 75535-31-8) (provided for in subheading 3206.50.00)
- 9902.22.74 Small particle calcium chloride phosphate phosphor activated by manganese and antimony used as a luminophore (CAS No. 75535-31-8) (provided for in subheading 3206.50.00)

Therefore, these three provisions overlap and are redundant. The Commission staff notes that: (1) S. 1910 and S. 2652 would extend the temporary duty suspension that was provided for in HTS heading 9902.22.70; (2) S. 1912 would extend the temporary duty suspension that was provided for in HTS heading 9902.22.72; and (3) S. 1921 would extend the temporary duty suspension that was provided for in HTS heading 9902.22.74. The Commission staff recommends that HTS heading 9902.22.72 be used to extend the temporary duty suspension and that 9902.22.70 and 9902.22.74 be deleted from the HTS.

⁵ The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

111TH CONGRESS
1ST SESSION

S. 1921

To extend the temporary suspension of duty on small particle calcium chloride phosphor.

IN THE SENATE OF THE UNITED STATES

OCTOBER 26, 2009

Mr. ROBERTS introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To extend the temporary suspension of duty on small particle calcium chloride phosphor.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SMALL PARTICLE CALCIUM CHLORIDE PHOS-**
4 **PHOR.**

5 (a) IN GENERAL.—Heading 9902.22.74 of the Har-
6 monized Tariff Schedule of the United States (relating to
7 small particle calcium chloride phosphor) is amended by
8 striking the date in the effective period column and insert-
9 ing “12/31/2011”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) applies to goods entered, or withdrawn from
3 warehouse for consumption, on or after the 15th day after
4 the date of the enactment of this Act.

